

**Department of the Interior
Minerals Management Service**

JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION

(JOFOC for Acquisitions > SAT)

(Optional for Acqs. ≤ SAT)

I recommend that the **MINERALS MANAGEMENT SERVICE** use other than full and open competition for the acquisition of the following supplies or services. If this acquisition is to be made with only one source or a limited number of sources, negotiations will be conducted with the indicated proposed supplier(s).

1. Nature/Description of the Acquisition [FAR 6.303-2(a)(2)]

New Contract; Cost Reimbursable; No-year funding; Funded in FY-2009

2. Description of Supplies or Services [FAR 6.303-2(a)(3)]

The Alaska Department of Fish and Game is to work in collaboration with the Eskimo Walrus Commission and Native Alaskan subsistence hunters to obtain necessary research permits, to instrument walrus with satellite transmitters (PTT's), and to monitor the walruses' behaviors including paths of migration, movements between resting and feeding areas, social behavior, and use of habitat. The 5-year study to be conducted from various Chukchi Sea coastal villages must be highly coordinated among the above parties, and have a strong public outreach component so as to minimize any impacts of impacts on subsistence activities.

3. Requisition No.

5. Name of Proposed Source(s)

Alaska Department of Fish and Game, Lori Quakenbush, Principal Investigator, 1300 College Road, Fairbanks, AK 99701-1599

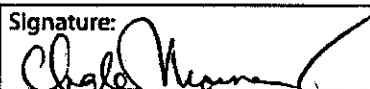
4. Cost Estimate (including options)[FAR 6-303-2(a)(3)]

\$1,500,000

6. REQUESTING OFFICE CERTIFICATION

I certify that this recommendation contains the information required by FAR 6.303-2 and its contents are accurate. I request the Contracting Officer's (CO's) assistance in conducting market research to identify potential sources.

Requesting Office Rep. (Name & Title)
Charles Monnett, Ph.D.

Signature:


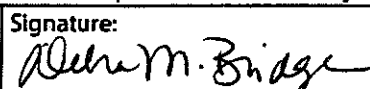
Phone No:
907-334-5282

Date:
March 9, 2009

7. PROCUREMENT OFFICE CERTIFICATION

I certify that this justification is accurate and complete to the best of my knowledge and belief.

Contracting Officer (Name)
Debra M. Bridge

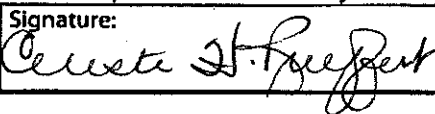
Signature:


Phone No:
703-787-1814

Date:
3/11/09

I certify that this justification is accurate and complete to the best of my knowledge and belief.

Chief of the Contracting Office (Name)
Celeste H. Rueffert

Signature:


Phone No:
703-787-1324

Date:
3/31/09

Identify one statutory authority for this acquisition to be conducted under "other than full and open competition" procedures [FAR 6.303-2(a)(4)]. Provide narrative justification associated with the respective stated authority in block number 15.

THE COMPETITION IN CONTRACTING ACT OF 1984 (P.L.98-369)

8. **41 USC 253(c)(1) – Only one responsible source**

This authority shall be used in preference to the Public Interest Justification. It shall not be used when any of the other circumstances are applicable. (Explain what makes this contractor the only responsible source: I.e., does this proposed contractor have facilities or equipment that is specialized and vital to the effort? Is the proposed contractor the only one that can meet critical schedules? Does the proposed contractor have prior experience of a highly specialized nature vital to the effort? Why won't any other product or service satisfy the need? Is the acquisition the result of an unsolicited research proposal [see FAR 6.302-1(a)(2)(i)]? Describe market survey and analysis efforts leading to this conclusion.)

9. **41 USC 253(c)(2) – Unusual and compelling urgency**

This authority applies in those situations where (1) an unusual and compelling urgency precludes full an open competition and (2) delay in award of contract would result in serious injury, financial or other, to the Government. (Explain why the agency's need for the supplies or services is of such an unusual and compelling urgency that the Government would be seriously injured unless it limited the number of sources. Solicitation from as many potential sources as is practicable under the circumstances is required.)

10. **41 USC 253(c)(3) – Industrial mobilization; engineering, developmental, or research capability; or expert services**

This authority applies when it is necessary to award the contract to a particular source or sources in order (1) to establish or maintain an essential capacity for theoretical analyses, exploratory studies, or experiments in any field of science or technology, or (2) to establish or maintain an essential engineering, research, or development capability to be provided by an educational or other nonprofit institution or a federally funded research and development center, or (3) to acquire the services of an expert for any current or anticipated litigation or dispute. (Does the proposed contractor have facilities and equipment that are vital in the event of a national emergency? Is the proposed contract to maintain properly balanced sources of supply for meeting the requirements of acquisition of programs in the interest of industrial mobilization? Is the proposed contract to create or maintain the required domestic capability for production of critical supplies by limiting competition to items manufactured in the United States or Canada?)

11. **41 USC 253(c)(4) – International agreement**

This authority may be used when the acquisition is to be reimbursed by a foreign country that requires the product to be obtained from a particular firm as specified in official written direction such as a Letter of Offer and Acceptance; or, when services are to be performed, or supplies are to be used in the sovereign territory of another country and the terms of a treaty or agreement specify or limit the sources to be solicited. (Cite the international agreement or treaty between the United States and the foreign government or international organization that precludes full and open competition. Provide the written directions of the foreign government reimbursing the agency for the cost of the acquisition, which precludes full and open competition.)

12. **41 USC 253(c)(5) – Authorized or required by statute**

This authority may be used when a statute expressly authorizes that the acquisition be made through another agency or from a specified source. (Cite the authority that expressly authorizes that the acquisition be made through another agency or from a specified source, and attach a copy of the statute.) Note: While this statutory exception includes the small disadvantaged business 8(a) set-aside program, a JOFOP is not required for this type of procurement.

13. **41 USC 253(c)(6) – National Security**

This authority may be used for any acquisition when disclosure of the Government's needs would compromise national security. It will not be used merely because the acquisition is classified, or merely because access to classified matter will be necessary to submit a proposal or to perform the contract. (Explain why the disclosure of the Government's needs would compromise the national security or violate security requirements.)

14. **41 USC 253(c)(7) – Public Interest**

This authority may be used when none of the other authorities above apply. Individual justification, Secretarial approval, and Congressional notification 30 days before award of contract are required.

15. JUSTIFICATION (Attach additional pages if needed)

(a) Demonstration that the proposed contractor's unique qualifications or the nature of the acquisition requires use of the authority cited [FAR 6.303-2(a)(5)]. [Prepared by Program Office]

Undertaking the proposed study requires an unusual degree of coordination between Federal and State agencies, and Native Subsistence organizations and hunters. To that end, the Contractors currently are completing a co-operative agreement with MMS titled: "Satellite Tracking Walrus in the Chukchi Sea: the Planning Phase" (Contract No. M07AC13300 through the University of Alaska Coastal Marine Institute). As a result, the contractor leads a collaboration of the necessary participants. Most importantly, during a meeting in January, 2009, the EWC formally approved the involvement of their members in the proposed study. The EWC, and associated walrus subsistence hunters, are uniquely qualified to provide expertise, labor and equipment to deploy tags on walrus and to conduct observations of behavior at haulouts. The PI, Lori Quakenbush is a senior marine mammal biologist with an extensive publication record and considerable experience using satellite tracking technology on a variety of species, including ice seals, and bowhead and beluga whales. She has excellent rapport with the Alaska Native community that has been established over decades of close cooperation and is uniquely qualified to lead this collaboration.

(b) Describe the efforts taken to ensure offers were solicited from as many potential sources as is practicable, including whether a Government-wide point of entry (GPE) notice was or will be published as required by FAR 5.2 and, if not, which exception under FAR 5.202 applies. [FAR 6.303-2(a)(6)]. [Prepared by Program Office]

A Notice of Intent to Sole Source will be published to ensure that the public is aware of the intended activity.

(c) Demonstration that the anticipated cost to the Government will be fair and reasonable [FAR 6.303-2(a)(7)].
[Prepared by Contracting Officer]

As stated in the FAR, the Contracting Officer is required to procure all supplies and services from a responsible source at a fair and reasonable price. The proposed costs of this project will be analyzed to determine reasonableness.

15. JUSTIFICATION CONTINUED (Attach additional pages if needed)

(d) Describe the market research that was conducted and the results of that survey. If actions were taken by procurement personnel to satisfy this requirement such as a GPE sources sought synopsis, please specify. [FAR 6.303-2(a)(8)]. [Initiated by the Program Office and finalized in collaboration with the Contracting Officer]

The Alaska Department of Fish and Game have held meetings with other agencies having interest and potential to participate in the study. The USGS BRD Alaska Science Center will provide information about and training using satellite transmitters they have developed for their own research on walrus. They are expected to provide training directly to Native participants in transmitter application from both shore-based and ship-based components. The USFWS is interested in the study and is expected to collaborate in the analysis on specimens collected by Native hunters. They are also expected to participate in training of Natives to make collections. Other than Native organizations that are partners in the study (Sect 15a), no other organizations were identified that had interest or capability of substantially participating in this study.

(e) Describe any other documentation to support the JOFOC. [FAR 6.303-2(a)(9)]. [Prepared by Program Office]
None offered.

(f) List sources, if any, that expressed, in writing, an interest in the acquisition. [FAR 6.303-2(a)(10)].
[Prepared by Program Office]

None, other than ADF&G that demonstrated their interest through their ongoing agreement through the UAF CMI.

(g) List the actions the Bureau will take to promote competition on any subsequent acquisitions for similar supplies or services. [FAR 6.303-2(a)(11)]. [Prepared by Contracting Officer]

Market research- surveying the market - identifying new or other possibilities will be ongoing by program officials for the conduct of this type of study. However, this study does require an unusual degree of coordination between Federal and State agencies and Alaskan Native Subsistence Organizations and Hunters.

APPROVALS (FAR 6.304)

Over \$550,000	16. Competition Advocate (Name & Title) Mark E. Eckl, Chief, Procurement Division	<input checked="" type="checkbox"/> APPROVE <input type="checkbox"/> DISAPPROVE	(Signature) <i>Mark Eckl</i>	(Phone No.) 703-787-1000
				(Date) 4/21/09
Over \$11.5 million	17. Head of the Contracting Activity (Name & Title)	<input type="checkbox"/> APPROVE <input type="checkbox"/> DISAPPROVE	(Signature)	(Phone No.)
				(Date)
Over \$57 million	18. Departmental Senior Procurement Executive (Name & Title)	<input type="checkbox"/> APPROVE <input type="checkbox"/> DISAPPROVE	(Signature)	(Phone No.)
				(Date)